United States District Court Southern District of Texas

ENTERED

May 13, 2019 David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

ALYSON BLOTCKY, and	§	
DANIEL BLOTCKY,	§	
	§	
Plaintiffs,	§	
	§	
VS.	§	CIVIL ACTION NO. H-18-3117
	§	
TEXAS FARMERS	§	
INSURANCE COMPANY,	§	
	§	
Defendant.	§	

ORDER MODIFYING FEBRUARY 15, 2019, ORDER RELATING TO THE DISASTER LITIGATION INITIAL DISCOVERY PROCEDURES

This order pertains to the following cases:

•	Blotcky, et al. v. Texas Farmers Insurance Company	4:18-cv-03117
•	Aguero, et al. v. Texas Farmers Insurance Company	4:18-cv-03118
•	Flores v. Texas Farmers Insurance Company	4:18-cv-03120
•	Gallegos v. Texas Farmers Insurance Company	4:18-cv-03144
•	Garcia v. Texas Farmers Insurance Company	4:18-cv-03145
•	Hailey v. Texas Farmers Insurance Company	4:18-cv-03147
•	Hernandez v. Texas Farmers Insurance Company	4:18-cv-03148
•	Huerta, et al. v. Texas Farmers Insurance Company	4:18-cv-03149
•	Ursala Kizzee v. Texas Farmers Insurance Company	4:18-cv-03150
•	Lecompte v. Texas Farmers Insurance Company	4:18-cv-03151
•	Luviano v. Texas Farmers Insurance Company	4:18-cv-03152
•	Mahajan v. Texas Farmers Insurance Company	4:18-cv-03153
•	Phan v. Texas Farmers Insurance Company	4:18-cv-03154
•	Salazar v. Texas Farmers Insurance Company	4:18-cv-03159
•	Sheng v. Texas Farmers Insurance Company	4:18-cv-03160
•	Sickles v. Texas Farmers Insurance Company	4:18-cv-03161
•	Sotelo v. Texas Farmers Insurance Company	4:18-cv-03162
•	Wohrer v. Texas Farmers Insurance Company	4:18-cv-03660
•	Aguilar v. Texas Farmers Insurance Company	4:18-cv-03676
•	Bowman v. Texas Farmers Insurance Company	4:18-cv-03678
•	Castro v. Texas Farmers Insurance Company	4:18-cv-03680
•	Chu v. Texas Farmers Insurance Company	4:18-cv-03682
•	Cruz v. Texas Farmers Insurance Company	4:18-cv-03683

•	Hernandez v. Texas Farmers Insurance Company	4:18-cv-03685
•	Tienda v. Texas Farmers Insurance Company	4:18-cv-03687
•	Martinez v. Texas Farmers Insurance Company	4:18-cv-03688
•	Prieto v. Texas Farmers Insurance Company	4:18-cv-03689
•	Reyes v. Texas Farmers Insurance Company	4:18-cv-03690
•	Rodriguez v. Texas Farmers Insurance Company	4:18-cv-03691
•	Sanchez v. Texas Farmers Insurance Company	4:18-cv-03692
•	Rivera v. Texas Farmers Insurance Company	4:18-cv-03693
•	Zachau v. Texas Farmers Insurance Company	4:18-cv-03999
•	Oseguera v. Texas Farmers Insurance Company	4:18-cv-04001
•	Harrison v. Texas Farmers Insurance Company	4:18-cv-04004
•	Arredondo v. Texas Farmers Insurance Company	4:18-cv-03861
•	Arthur v. Texas Farmers Insurance Company	4:18-cv-03885
•	Hallinan v. Texas Farmers Insurance Company	4:18-cv-03866
•	Moore v. Texas Farmers Insurance Company	4:18-cv-03630
•	Northcutt v. Texas Farmers Insurance Company	4:18-cv-03902
•	Olivarez v. Texas Farmers Insurance Company	4:18-cv-03926
•	Osarumwense v. Texas Farmers Insurance Company	4:18-cv-03929
•	Robinson v. Texas Farmers Insurance Company	4:18-cv-04373
•	Sledge Cunningham v. Texas Farmers Insurance Company	4:18-cv-03845

The February 15, 2019, Order is modified. The modified order deletes the requirements that the defendant make an itemized list of the items it disputes or agrees to and then address each item in dispute. This provision has, in practice, been cumbersome, slow, and expensive, which undermines the purpose of the Protocols.

The court enters the following modified form of order to replace those provisions:

The Disaster Litigation Initial Discovery Protocols responses have been exchanged. The formal proceedings in this case are stayed until **July 12, 2019**, so that the parties may participate in an alternative dispute resolution procedure to attempt settlement.

If a case is not resolved by **July 12, 2019**, within 7 days, or by **July 19, 2019**, the parties must notify the court and email Mrs. Eddins a request for a status conference. The request must include a memo or letter of no more than two pages, briefly explaining if there is any additional information or discovery the party believes is necessary to resolve the case. The status conference will address those issues and the next steps. During the stay period, the parties must notify the court of any resolution within 7 days after it is resolved.

Any party wishing to make any discovery or scheduling-related motions should

arrange for a premotion conference with the court before the preparation and submission of any motion papers. That includes any opposed request to compel, to quash, for protection, or for extensions. Email Mrs. Eddins at <u>Lisa_Eddins@txs.uscourts.gov</u> or fax her at 713-250-5213 to arrange for a premotion conference.

SIGNED on May 13, 2019, at Houston, Texas.

Lee H. Rosenthal

Chief United States District Judge